

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2527

Heard in Montreal, Thursday, 15 September 1994

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
(UNITED TRANSPORTATION UNION)**

EX PARTE

DISPUTE:

Appeal of the discharge of O.J. Nault of Rainy River, Ontario - effective 29 March 1993.

COUNCIL'S STATEMENT OF ISSUE:

On March 26, 1993, Conductor O.J. Nault attended a formal investigation in connection with "alleged conduct incompatible with his employment". The Company discharged Conductor Nault effective March 29, 1993 for: "Conduct incompatible with your employment".

The Union progressed Conductor Nault's discharge at Step 3 (three) of the grievance procedure on June 21, 1993 requesting that he be reinstated with full seniority and benefits and that he be made whole for all lost wages incurred since being discharged.

It is the Union's position that Conductor Nault's discharge is totally unwarranted and not justified. It is also the Union's position that the discharge is void for the reason of the delay in disciplining Conductor Nault and therefore requests the Arbitrator to reinstate the grievor with full seniority, benefits and that he be made whole for all wages since March 26, 1993.

FOR THE UNION:

(SGD.) M. G. ELDRIDGE

for: **GENERAL CHAIRMAN**

There appeared on behalf of the Company:

G. C. Blundell – Manager, Labour Relations, Edmonton
K. Carroll – Manager, Train Services, Syminton

And on behalf of the Union:

D. Wray – Counsel, Toronto
J. W. Armstrong – General Chairperson, Edmonton
M. G. Eldridge – Vice-General Chairperson, Edmonton
O. J. Nault – Grievor

The hearing was adjourned by the Arbitrator and ultimately resolved between the parties.